

prohibiting federal office as well, if that answers your question.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: But I assume that in the last sentence in that section, we are not intending in this constitution to prohibit the federal government from thereafter appointing such a person to some federal public office of profit.

DELEGATE MUDD: For one year, yes.

DELEGATE CHABOT: We are trying to prohibit the federal government from appointing such a person?

DELEGATE MUDD: Well, we say, shall not be eligible to hold any other public office for profit for one year immediately following his service.

THE CHAIRMAN: Delegate Mudd, the question may be misunderstood. I think Delegate Chabot's question was whether the Committee intended by that sentence to impose a limitation upon the federal government in the appointment of persons to federal offices.

DELEGATE MUDD: I do not see how we could impose a limitation or restriction on the federal level, no.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: So as a practical matter public office for profit, on line 23, refers only to public offices in this state, but public office for profit on lines 17 and 18 refers to federal as well as state and local public offices?

DELEGATE MUDD: That was our intention.

DELEGATE CHABOT: Thank you.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Chairman Mudd, referring to section 5.16, I always like to know why these things are, and I am of course reading it and I can see many problems with it, particularly with regard to judges being on the nominating commission. Would you tell me the thinking of your Committee and why your study and research led you to that conclusion?

DELEGATE MUDD: Well, very specifically, this, Delegate Raley, that in our view a judge is oftentimes, by virtue of his exposure to the talent or lack of talent of the members of the bar, particularly well equipped to evaluate the potential of a candidate for service on the bench. We

feel that the benefit of a judge's view, concurrent with that of laymembers and lawyers, would round out the most beneficial information that could be collected as to the qualifications of those eligible.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Would you also tell me why in 5.21 you are going to have this procedure of a secret poll of the lawyers, a kind of election apparently where a judge is required to stand for reelection or stand for election. What is the reasoning behind that, and has this been used or tried before?

DELEGATE MUDD: Yes, it has been used in other states, and the reason for the secrecy is in the taking of the poll, but the results of the poll are published. I take it the secrecy intended there is that the lawyers' votes will not necessarily be divulged or recorded. It will be a ballot presumably without a name on it. To that extent it will reflect the secret vote of a lawyer who is polled.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: No, thank you.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Mr. President, I am going to preface my questioning first by saying that you may very well accuse me of speaking emotionally, or any other way, but I don't call it emotion; I call it the truth.

We are here to strengthen the judiciary, the legislative and the executive branches. That is why we are here, and nobody cares about the people.

Now, my question, Mr. President. Under our present system, where the people have the right to review their judgments, that privilege is now being taken away from them. Why, Mr. Chairman, are you taking away from the people the right to say who their judges will be?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: We are not taking away from the people; they can vote Yea or Nay.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: They cannot under the present proposal, which is the same proposal they had in Russia where you have one man on the ballot. I am not arguing with you.